

who he confesses had seized the tobacco for rent before the Execucōn, & marked some of Co^t Chews marke, but the Defend^{ts} Wittnesses could not be heard All which is illegall & erroneus, there not being any matter of Law in the proceedings & evidences aforesaid sufficient to convict the Defend^t of the trespasse or trespasse of the case ag^t the plaintiffe as aforesaid, so the verdict & judgm^t thereupon is ag^t Law & without any legall warrant, & so in the whole manifestly erroneus

Liber N N

Itt is said in the Record, that after full hearing of the allegacons & pleadings in & upon the severall testimonies of the said Depon^{ts} on both sides, which is false & erroneus, for the Def^{ts} Wittnesses were not heard.

10^{thly}

The jury finde for the p^t only, & the judgem^t is that the plaintiffe had recovered two thousand six hundred pounds of tobacco, & ordered to pay two thousand six hundred p^{ds} of tobacco with costs of suite, which comes to nine hundred forty one p^{ds} of tobacco more, which is false & erroneus, For there was not any warrant for such a positive Judgem^t but the plaintiffe ought to have taken out a Writt of Enquiry of damages without which the said judgem^t & Execucon thereupon is wholly erroneus & vitious

11^{thly}

p. 582

Itt appeares by the said Record, that long before Tailors Judgem^t or Execucon which was in ffebruary Court to witt the fourth day of Decemb^r before Knighton had passed a noat for that tobacco for his Landlords rent to M^r Chew to whom Peca paid itt, & M^r Chew received itt pursuant to that noat as by his receipt, and all the tobacco which they as itt lay in bulke & was hanging thought to be two thousand six hundred p^{ds} of tobacco, came but to Eighteen hundred twenty two p^{ds} of tobacco, & yet they get judgem^t for two thousand six hundred p^{ds} of tobacco, which is illegall erroneus & not by Law warranted.

12^{thly}

The defend^t Peca was Landlord to Knighton, & long before the judgem^t or Execucōn gives Peca possession of all the plantacon & houses & tobacco & goods in them for rent, & the plaintiffe to come afterwards to Levy the Goods so seized for rent is ag^t Law.

13^{thly}

And thereupon the said Robert Peca saith that in the Record & proces aforesaid, as also in the giveing of Judgem^t aforesaid itt is manifestly erroneus in the Errors aforesaid by him in forme aforesaid alleadged And prayeth that the Judgem^t aforesaid be revoaked and adnulled & held for nought And that he those things which he by occasion of the p^rmisses hath lost to be restored, & that the said Henry Stocket to the Errors aforesaid may answer. Which Record proces & Errors aforesaid being read & heard, the said Henry Stocket by George Parker his Attorney prayeth license to imparle thereupon untill next Court & itt is granted unto him, the same day is given to the said Robert Peca also.

Now here att this day to witt the fifteenth day of June in the